

PUBLIC DEFENDER

Budget Summary						FTE Position Summary				
Fund	2010-11 Adjusted Base	Governor		2011-13 Change Over Base Year Doubled		2010-11	Governor		2012-13 Over 2010-11	
		2011-12	2012-13	Amount	%		2011-12	2012-13	Number	%
GPR	\$76,775,100	\$80,366,100	\$82,080,800	\$8,896,700	5.8%	575.85	574.85	574.85	- 1.00	- 0.2%
PR	<u>1,422,700</u>	<u>1,289,500</u>	<u>1,289,500</u>	<u>- 266,400</u>	<u>- 9.4</u>	<u>5.00</u>	<u>5.00</u>	<u>5.00</u>	<u>0.00</u>	<u>0.0</u>
TOTAL	\$78,197,800	\$81,655,600	\$83,370,300	\$8,630,300	5.5%	580.85	579.85	579.85	- 1.00	- 0.2%

Budget Change Items

1. STANDARD BUDGET ADJUSTMENTS

Governor: Provide standard adjustments totaling \$2,654,700 GPR and \$6,200 PR annually. Adjustments are for: (a) full funding of continuing salaries and fringe benefits (\$2,293,200 GPR and \$3,000 PR annually); (b) overtime (\$220,200 GPR and \$2,900 PR annually); (c) full funding of lease costs and directed moves (\$141,300 GPR and \$300 PR annually); and (d) minor transfers within the same appropriation.

GPR	\$5,309,400
PR	<u>12,400</u>
Total	\$5,321,800

2. INCREASE EMPLOYEE CONTRIBUTIONS FOR PENSIONS AND HEALTH INSURANCE

Governor: Delete \$2,913,100 GPR and \$16,600 PR annually to reflect fringe benefit cost reductions associated with increased state employee contributions for Wisconsin Retirement System (WRS) benefits and health insurance coverage. The calculation of retirement savings is based on employee WRS contributions equal to 5.8% of salary. Health insurance cost reductions are based on employees paying an average of approximately 12.6% of total premium costs, compared to the current average of approximately 6% of costs.

GPR	- \$5,826,200
PR	<u>- 33,200</u>
Total	- \$5,859,400

3. AGENCY BUDGET REDUCTIONS

Governor: Reduce funding by \$505,200 GPR and \$107,900 PR annually associated with a 10% reduction to supplies and other non-personnel costs. Of the amounts identified above, \$101,500 PR annually is reduced from a PR appropriation that is utilized to reimburse private bar attorneys for providing representation in SPD cases.

GPR	- \$1,010,400
PR	<u>- 215,800</u>
Total	- \$1,226,200

4. ELIMINATE LONG-TERM VACANCIES

Governor: Delete \$47,200 and 1.0 position annually to reflect the elimination of long-term vacant positions under the bill.

Funding and position reductions are associated with positions that have been vacant for 12 months or more.

	Funding	Positions
GPR	- \$94,400	- 1.00

5. PUBLIC DEFENDER INDIGENCY STANDARD (2009 ACT 164) FUNDING

GPR	\$6,906,000
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Governor: Provide \$3,576,000 in 2011-12, and \$3,330,000 in 2012-13, to provide salary and fringe benefits funding (\$2,956,100 annually) and associated supplies and services funding (\$619,900 in 2011-12 and \$373,900 in 2012-13) for 45.4 full-time equivalent (FTE) positions created under 2009 Wisconsin Act 164. Effective with cases opened on June 19, 2011, under Act 164, the SPD indigency standard will generally be modeled after the Wisconsin Works (W-2) eligibility standard. The SPD has estimated that this change will increase its workload by an additional 12,800 cases annually. Based on assumptions that 75% of this increased workload will be assigned to SPD staff, Act 164 provided an additional 45.4 FTE to the SPD, effective June 19, 2011. As a result, the costs of the indigency standard change under Act 164 are not incurred by the state until the 2011-12 state fiscal year.

Funding is intended to provide additional SPD staff to process 75% of the anticipated increased Act 164 workload. The remaining estimated increased workload will be assigned to private bar attorneys.

6. PRIVATE BAR FUNDING SHORTFALL

GPR	\$3,612,300
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Governor: Provide \$825,800 in 2011-12, and \$2,786,500 in 2012-13, to address a projected shortfall in funding for private bar attorneys during the 2011-13 biennium. This funding does not address a remaining projected private bar shortfall of \$3.5 million for the 2009-11 biennium.

The SPD has trial and appellate attorneys to represent clients who qualify for SPD representation. Staff attorneys, however, do not represent all clients who qualify for SPD representation. Overflow cases are assigned to private bar attorneys at the rate of \$40 per hour for in-court and out-of-court representation, and \$25 per hour for travel. Cases in which the SPD staff attorneys cannot represent a client due to a conflict of interest are also assigned to the private bar.

7. PENALTY SURCHARGE SHORTFALL

PR	- \$29,800
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Governor: Reduce expenditure authority by \$14,900 annually under the agency's conferences and training appropriation to address a shortfall in penalty surcharge funding. The reduction represents a 10% reduction to the appropriation after adjusting base funding for full

funding of continuing salaries and fringe benefits. Require that all unencumbered balances at the end of each fiscal year in the appropriation revert to the penalty surcharge receipts appropriation under the Department of Justice. [See "Justice."]

[Bill Section: 751]

8. TECHNICAL CORRECTION -- REALIGNMENT OF POSITION AUTHORITY

Governor: Transfer a 0.45 full-time equivalent (FTE) financial specialist position under the private bar and investigator payments; administration costs appropriation to the trial representation appropriation to reconcile the budget system with the state's personnel management information system.